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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,032	08/04/2000	Roger Meuwly	33383-072824.0112	2332

21003 7590 05/02/2003

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 05/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/633,032

Applicant(s)

MEUWLY ET AL.

Examiner

Barbara J. Musser

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): 112, 2nd of claim 2.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-26.

Claim(s) withdrawn from consideration: 28-49.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTÉ: the precomposite being solid enough that it would resist buckling would require further search and/or consideration..

ATTACHMENT

Regarding the word "developable", examiner finds the examples sufficient to withdraw the 112, 2nd rejection of claim 2. It is suggested the definition of developable be added to the specification. This would not be considered new matter.

Regarding applicant's argument that Walsh et al. discloses a paste rather than a solid as claimed, applicant describes a solid as a material at the "gelling stage or beyond"(Pg. 6, ll. 11) and having sufficient cohesion to be installed in a mold.(Pg. 6, ll. 12) Walsh et al. discloses the precomposite can be at a non-tacky B stage which can be cut with scissors.(Col. 2, ll. 47; Col. 13, ll. 5) This indicates the precomposite has sufficient cohesion to be installed in a mold as examples in Walsh et al. disclose placing the precomposites in molds for full curing. The reference clearly only uses the word "solid" in relation to a fully cured precomposite.(Col. 2, ll. 34-35) A gel, like a paste, is a mixture of solid and liquid emulsified together such that the material does not flow without pressure being applied.

Regarding applicant's statement that a "solid" precomposite will not expand, this suggests the resin is at a greater cure than the gelling stage. Applicant appears to be suggesting the precomposites are solids by the conventional definition of solid, i.e. a material that does not flow under moderate stress and has a capacity for resisting compression. If so, applicant should claim such. Examiner is uncertain how such solids would be able to bond to themselves without application of adhesive.

Applicant has argued that in the prior art, solid prepregs have been molded against a nonplanar surface, but that such has caused stress in the final product. It is

unclear how applicant's prepregs are different from those described in the arguments(pg. 11) as both are solid prepregs formed against a nonplanar surface.

Additionally, regarding applicant's argument that Walsh et al. discloses a paste rather than a solid as claimed, applicant describes a solid as a material at the "gelling stage or beyond"(Pg. 6, ll. 11), while Walsh et al. thickens the resin. Thermosetting resins decrease in viscosity until they reach the gel point, at which point they increase in viscosity. Therefore when a resin thickens, the resin has passed the gel point.

Regarding applicant's argument that neither Walsh et al. nor Brietigam disclose how to arrange precomposites to fit snugly against a nonplanar support, it is known in general how to fit thin layers of material against a nonplanar support so that they fit snugly, for example applying multiple layers of tissue paper to a nonplanar mold such as in paper mache. One in the art would appreciate that single layers would be applied and each pressed snugly against the mold or previous layer before another layer was applied.

Regarding applicant's argument that the references do not disclose the precomposites having reactive surfaces, the claims do not require such.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is (703)-305-1352. The examiner can normally be reached on Monday-Thursday; alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for

Art Unit: 1733

the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


BJM
April 30, 2003


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700